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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/750,275	12/30/2003	Robert A. Luciano	10407/989	9180
30076	7590	08/03/2005	EXAMINER	
BROWN RAYSMAN MILLSTEIN FELDER & STEINER, LLP			HSU, RYAN	
1880 CENTURY PARK EAST			ART UNIT	
12TH FLOOR			PAPER NUMBER	
LOS ANGELES, CA 90067			3713	

DATE MAILED: 08/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)	
	10/750,275	LUCIANO ET AL.	
	Examiner	Art Unit	
	Ryan Hsu	3713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-46 is/are rejected.
- 7) ☒ Claim(s) 20-30 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/7/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

Claims 20-30 recites the limitation "the currency is issued" in the body of the claims. There is insufficient antecedent basis for this limitation in the claim objected to appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 4-6 and 27-29 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claims 4-6 and 27-29 claim an invention of causing a reaction of prompting the player to add an additional value or to change the credit value if only partial credits exists. However, the method and operation of such a step is not disclosed in the specification.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 20, 33, and 41 are rejected under 35 U.S.C. 102(b) as being anticipated by Wilms (US 5,277,424).

In reference to claims 1, 20, 22, 33 and 41, Wilms discloses a gaming device and method of operation that allows a player to add a value to a gaming device. The device is able to process the insertion of multiple denominations of bills and coins (*see col. 2: ln 25-35*). Wilms converts the entered currency into a credit equivalent displayed on the electronic game machine and determines the number of full and partial credits represented by the value added by the player by dividing the value added by the player by a credit value (*see col. 3: ln 1-17, col. 4: ln 22-33*). Wilms discloses this ability of fractional units in its RESERVE indicator [18]. Additionally, Wilms discloses a controller that is in communication with the value acceptor so that the machine may be notified whether enough credits exist for a player to operate the machine (*see col. 7: ln 59-col. 8: ln 2*). Furthermore, Wilms allows the player to select a denomination to be represented for a wager. Wilms also discloses a game of wagering (*ie: five-card draw poker*) as an embodiment where the player may make a wager and play the gaming device (*see col. 2: ln 42-54*). Wilms also discloses the use of credits for use as a wager in a game machine, applicant calls for “at least a partial credit” to be wagered which implies that a full credit may be wagered.

Claims 2 and 21, Wilms discloses the use of casino markers or vouchers, which represent different values of credit (*see col. 5: ln 1-27*). Theses values are added to a players account in the form of vouchers wherein the gaming machine may determine the value of the voucher and convert it to the proper number of credits from the selected wager denomination.

Claims 4-6, Wilms discloses a method of wagering wherein a player may select the credit value. Wilms states that if the player’s account has less than the credit value the player is

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prompted to either change the credit value to a lower denomination or to add money to the users account (*see col. 7: ln 59-col. 8: ln 15*).

Claim 7-9, 27-29, 40 and 45-46, Wilms discloses a gaming machine wherein the partial credit value is stored to be displayed by the RESERVE indicator [18]. Wilms also states that the full and partial credits are displayed to the player through the CREDIT [16] and RESERVE [18] indicators. The player may wager these credits at any time (*ie: through the variability of modifying the wagered value*) (*see col. 6: ln 40-67, col. 7: ln 10-18, col. 7: ln 30-56*).

Claims 10-11, Wilms discloses the partial credits as decimals which are inherently fractions as a decimals are a linear array of digits that represent a real number. Decimals typically indicate a negative power of 10 (*ie: $10^{-1} = 0.1 = 1/10$*) (*see FIGS. 3-5 and the related description thereof*).

In regard to claims 12-13 and 30, Wilms' gaming device allows for the user to change the first selected credit value to a second credit value between rounds of play in the game of chance. The gaming device will then readjust the CREDIT and RESERVE indicators to correspond with the new value per credit (*see col. 6: ln 25-39*).

Claim 17-19, 25, 32 and 44, Wilms comprises setting an increment rate by which the player can increase and decrease the credit value. Additionally, the value added by a player is in a first currency and the full and partial credits may be represented in a second currency (*see col. 7: ln 30-57*). Furthermore, Wilms allows a value to be added by the player is in a currency and the partial credits have a value other than a standard denomination in which the currency is issued or an integral multiple thereof.

Claim 26, Wilms discloses a default credit value that is assigned if the player does not define a new credit value (*see col. 5: ln 28-46*).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 34, and 38-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilms (US 5,277,424).

With reference to claims 3 and 31, Wilms discloses a gaming machine that allows for one to one to place currency into a gaming machine and have variable denominations to wager and display in CREDITS and RESERVE credit (*ie: partial credits*). As disclosed in Wilms these partial credits may also yield winnings and may be wagered (*ie: when the denomination is lowered below the credit value*) (*see col. 6: ln 3-39*). One would be motivated to allow the use of partial credits in order to allow for the user to fully utilize their resources when trying implementing a wagering system. Therefore it would be obvious to one of ordinary skill in the art at the time of the invention to include the limitation for Wilms to incorporate partial credit wagering.

With reference to claim 14, 34-35 and 42, Wilms discloses a gaming machine where the full credits and partial credits are modified depending on the value of the credit as selected by the user. As a result the player may wager the full credits and partial credits at any time depending on the selection of the user (*see col. 5: ln 28-53*). One would be motivated to offer selections in

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the wagering denominations to allow for all currency to be adapted in order to allow for the user the ability if they wish to wager their full amount associated with the player account. As disclosed in Wilms the denominations can easily be programmed to fit the appropriate needs of the system to increase or decrease by predetermined amounts. Additionally, Wilms indicates that the predetermined amounts to increase and decrease could be programmed into the system to adjust by a predetermined factor. Wilms offers the adaptability of this feature in order to offer different ranges for example from 5 cents to \$1.00 which if multiplied by a factor of 100 could adapt it to \$5.00 to \$100.00. If one were limited to only 20 cents to wager the system disclosed in Wilms could be multiplied by a factor of 4 to provide a range of \$0.20 to \$4.00 (*see col. 6: ln 40-col. 7: ln 15*). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to allow the system to be programmed so that all of the partial credits and for non-standard denominations to be wagered (*see col. 7: ln 30-50*).

Claims 38-39, Wilms discloses a game machine that comprises a casino marker acceptor and dispenser, which is analogous in the gaming art to a voucher. Therefore it would be a simple matter of design choice for one of routine skill to modify Wilms to allow the use of voucher certificates as opposed to casino markers. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Wilms in order to allow for a user to implement a voucher acceptor and printer instead of the casino markers used (*see col. 5: ln 4-27*).

Claims 15-16, 23-24, 36 and 43, rejected under 35 U.S.C. 103(a) as being unpatentable over Wilms as applied to claims above, and further in view of Skratulia (US 5,690,335).

With reference to claims 15-16, 23-24, 36 and 43, Wilms discloses a game machine that allows the use of a full and partial credits in a wagering game as discussed above and incorporated herein. However, Wilms lacks in specifically disclosing a maximum and minimum credit value for wagering within its game machine. However, it is understood in the gaming arts that casinos will typically setup minimum and maximum wagers in order to cater to the target clientele. In Skratulia, he teaches the use of an analogous method of playing a wagering game (*see col. 3: ln 20-40*). Skratulia discloses that it would be an obvious matter of design choice for the establishment to set the maximum amount and that gaming machines are typically adaptable and may be modified to fit the maximum and minimum bets that the casino would like to implement in their machines. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Skratulia with Wilms in order to allow the gaming machine in Wilms to include a minimum and maximum wager amount.

Claim 37, Wilms discloses a controller that is configured to allow the game operator to set an increment value by which the credit value can be raised or lowered (*see col. 7: ln 30-50*).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Saunders (US 6,280,326 B1) – Cashless Method For a Gaming System.

Biffar (US 5,903,880) – Self-Contained Payment System with Circulating Digital Vouchers.

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Any inquiry concerning this communication or earlier communication from the examiner should be direct to Ryan Hsu whose telephone number is (571)-272-7148. The examiner can normally be reached on M-F 8:30 AM - 5:00 PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan M Thai can be reached at (571)-272-7147.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, contact the Electronic Business Center (EBC) at 1-866-217-9197 (toll-free).



RH

July 27, 2005



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